

WASHINGTON, DC -- Congresswoman Linda Sánchez, Chairwoman of the House Judiciary Subcommittee on Commercial and Administrative Law (CAL), issued the following opening statement today at the CAL Subcommittee legislative hearing on H.R. 5913, the Protecting Americans from Unsafe Foreign Products Act. The bill would level the playing field between Americans hurt by unsafe foreign products, and foreign product manufacturers who were previously able to avoid accountability because of ambiguities in the law. The bill is sponsored by Congresswoman Sánchez.

"I have been alarmed by the steady stream of defective, foreign-manufactured products flooding our marketplace. From the millions of toys recalled because of lead paint to heparin, the tainted blood thinner that caused at least 81 deaths and scores of injuries, it has become increasingly clear that our health and welfare have been compromised by foreign-made products.

"I am also concerned that foreign manufacturers have gained an unfair advantage over U.S. manufacturers because foreign manufacturers have avoided liability for defective products in our marketplace. Because of the difficulties associated with serving process on and establishing jurisdiction over foreign manufacturers, many Americans harmed by defective foreign-made products never get their day in court. That is why I introduced H.R. 5913, the Protecting Americans from Unsafe Foreign Products Act.

"Specifically, this legislation would allow American consumers harmed by foreign defective products to obtain personal jurisdiction over foreign manufacturers by serving foreign manufacturers with process where they reside, are found, have an agent, or transact business. H.R. 5913 would also help eliminate the unfair competitive advantage enjoyed by foreign manufacturers and ensure that they can be held accountable in U.S. courts for injuries consumers suffer as a result of defective products.

"Finally, H.R. 5913 would pressure foreign manufacturers to improve the quality and integrity of their products. When foreign manufacturers are held accountable under the tort system, they will be deterred from making dangerous products in the future.

"At one time, products exported to the U.S. market were known to meet the highest health, safety, and quality standards in the world. Many manufacturers had two production lines: one for products to be sent to the U.S., and one for all others. As our trade has expanded and our inspections have become more lax, this is no longer the case. The deluge of defective products entering our markets has demonstrated that neither the Consumer Product Safety Commission nor the Food and Drug Administration have effectively done their job. I look forward to the day when, once again, we can be proud that only the highest quality, safest products line the shelves of American stores.

"I support the recent congressional efforts to strengthen the CPSC and the FDA so that they have the tools and resources they need to adequately protect American consumers. However, the approaches currently considered by the House and Senate do not address the barriers individual consumers face once they have been injured by a foreign manufactured product.

“Legislation such as H.R. 5913 fills an important void of facilitating accountability of foreign manufacturers that injure consumers with defective products.

“I want to thank Chairman Conyers, Representatives Zoe Lofgren, Melvin Watt, Steve Cohen, Hank Johnson, Betty Sutton and Rep. Raúl Grijalva for cosponsoring H.R. 5913. The legislation is also supported by U.S. PIRG, Consumers Union, Consumer Federation of America, Public Citizen, and the Center for Justice & Democracy.

“H.R. 5913 will aid in ensuring the safety and health of American consumers. I very much look forward to hearing from our witnesses.”